

107TH CONGRESS
2D SESSION

H. R. 4141

To authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2002

Mr. GIBBONS introduced the following bill; which was referred to the
Committee on Resources

A BILL

To authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red Rock Canyon Na-
5 tional Conservation Area Protection and Enhancement
6 Act of 2002”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act, the following definitions apply:

1 (1) CORPORATION.—The term “Corporation”
2 means The Howard Hughes Corporation, an affiliate
3 of the Rouse Company, with its principal place of
4 business at 10000 West Charleston Boulevard, Las
5 Vegas, Nevada.

6 (2) RED ROCK.—The term “Red Rock” means
7 the Red Rock Canyon National Conservation Area,
8 consisting of approximately 195,780 acres of public
9 lands in Clark County, Nevada, specially designated
10 for protection in the Red Rock Canyon National
11 Conservation Area Establishment Act of 1990 (16
12 U.S.C. 460ccc et seq.), as depicted on the Red Rock
13 Map.

14 (3) RED ROCK MAP.—The term “Red Rock
15 Map” means the map entitled “Red Rock Enhance-
16 ment Act”, dated February 12, 2002.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 **SEC. 3. FINDINGS AND PURPOSES.**

20 (a) FINDINGS.—The Congress makes the following
21 findings:

22 (1) Red Rock is a natural resource of major
23 significance to the people of Nevada and the United
24 States. It must be protected in its natural state for

1 the enjoyment of future generations of Nevadans
2 and Americans, and enhanced wherever possible.

3 (2) In 1998, the Congress enacted the Southern
4 Nevada Public Lands Management Act of 1998
5 (Public Law 105–263), which provided among other
6 things for the protection and enhancement of Red
7 Rock.

8 (3) The Corporation owns much of the private
9 land on Red Rock’s eastern boundary, and is en-
10 gaged in developing a large-scale master-planned
11 community.

12 (4) Included in the Corporation’s land holdings
13 are 1071 acres of high-ground lands at the eastern
14 edge of Red Rock. These lands were intended to be
15 included in Red Rock, but to date have not been ac-
16 quired by the United States. The protection of this
17 high-ground acreage would preserve an important
18 element of the western Las Vegas Valley view-shed.

19 (5) The Corporation has volunteered to forgo
20 development of the high-ground lands, and proposes
21 that the United States acquire title to the lands so
22 that they can be preserved in perpetuity to protect
23 and expand Red Rock.

24 (b) PURPOSES.—This Act has the following purposes:

1 (1) To accomplish an exchange of lands be-
2 tween the United States and the Corporation that
3 would transfer certain high-ground lands to the
4 United States in exchange for the transfer of other
5 lands of approximately equal value to the Corpora-
6 tion.

7 (2) To protect Red Rock and to expand its
8 boundaries as contemplated by the Bureau of Land
9 Management, as depicted on the Red Rock Map.

10 (3) To further fulfill the purposes of the South-
11 ern Nevada Public Lands Management Act of 1998
12 and the Red Rock Canyon National Conservation
13 Area Establishment Act of 1990.

14 **SEC. 4. RED ROCK LAND EXCHANGE.**

15 (a) ACQUISITION REQUIREMENT.—If the Corporation
16 offers to convey to the United States all of its right, title,
17 and interest in and to the property owned by the Corpora-
18 tion and depicted on the Red Rock Map as “OFFERED
19 LANDS TO BE INCORPORATED INTO NCA”, the
20 Secretary shall accept such offer on behalf of the United
21 States, and not later than 60 days after the date of the
22 offer, unconditionally and without limitation, except as
23 otherwise provided in this Act, make the following convey-
24 ances:

1 (1) To the Corporation, the Federal lands de-
2 picted on the Red Rock Map as “BLM LANDS SE-
3 LECTED FOR EXCHANGE”.

4 (2) To Clark County, Nevada, the Federal
5 lands depicted on the Red Rock Map as “BLM
6 LANDS FOR CLARK COUNTY PARK”.

7 (b) SIMULTANEOUS CONVEYANCES.—Title to the pri-
8 vate property and the Federal property to be conveyed
9 pursuant to this section shall be conveyed under this sec-
10 tion at the same time.

11 (c) MAP.—The Secretary shall keep the Red Rock
12 Map on file and available for public inspection in the Las
13 Vegas District Office of the Bureau of Land Management
14 in Nevada, and the State Office of the Bureau of Land
15 Management, Reno, Nevada.

16 (d) LANDS TRANSFERRED TO CLARK COUNTY.—As
17 a condition of any conveyance under subsection (a)(2), the
18 Secretary shall require that—

19 (1) the lands transferred to Clark County by
20 the United States must be held in perpetuity by the
21 County for use only as a public park or as part of
22 a public regional trail system; and

23 (2) if the County attempts to transfer the lands
24 or to undertake a use on the lands that is incon-
25 sistent with their preservation and use as described

1 in paragraph (1), such lands shall revert to the
2 United States.

3 (e) EQUAL VALUE EXCHANGE.—Based on the ap-
4 praisals thereof made for purposes of the exchange under
5 this section, the Federal property and the private property
6 to be exchanged are deemed to be of equal value, and no
7 additional valuation determinations are required.

8 **SEC. 5. STATUS AND MANAGEMENT OF ACQUIRED LANDS.**

9 (a) INCLUSION AND BOUNDARY ADJUSTMENT.—
10 Upon acquisition by the United States of lands under this
11 Act, the Secretary shall—

12 (1) administer the lands as part of Red Rock
13 and in accordance with the Red Rock Canyon Na-
14 tional Conservation Area Establishment Act of 1990
15 (16 U.S.C. 460ccc et seq.), the Southern Nevada
16 Public Lands Management Act of 1998 (Public Law
17 105–263), and all other applicable laws; and

18 (2) create new maps showing the boundaries of
19 Red Rock as modified by or pursuant to this Act,
20 and make such maps available for review at the Las
21 Vegas District Office of the Bureau of Land Man-
22 agement and the State Office of the Bureau of Land
23 Management, Reno, Nevada.

24 (b) CONFORMING AMENDMENT.—Section 3(a)(2) of
25 the Red Rock Canyon National Conservation Area Estab-

1 lishment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is
 2 amended by inserting before the period the following: “,
 3 and such additional areas as are included in the conserva-
 4 tion area pursuant to the Red Rock Canyon National Con-
 5 servation Area Protection and Enhancement Act of
 6 2002”.

7 **SEC. 6. GENERAL PROVISIONS.**

8 (a) RELATIONSHIP TO OTHER LAWS.—Implementa-
 9 tion of this Act—

10 (1) shall not be considered a major Federal ac-
 11 tion significantly affecting the quality of the environ-
 12 ment under section 102 of the National Environ-
 13 mental Policy Act of 1969 (42 U.S.C. 4332);

14 (2) does not require the preparation of an envi-
 15 ronmental assessment in accordance with that Act
 16 (42 U.S.C. 4321 et seq.); and

17 (3) does not require further consideration or ac-
 18 tion pursuant to the National Historic Preservation
 19 Act (16 U.S.C. 470 et seq.), or any other law or Ex-
 20 ecutive order.

21 (b) VALID EXISTING RIGHTS.—The land exchange
 22 under this Act shall be subject to valid existing rights.
 23 Each party to which property is conveyed under this Act
 24 shall succeed to the rights and obligations of the conveying

1 party with respect to any lease, right-of-way, permit, or
2 other valid existing right to which the property is subject.

3 (c) TECHNICAL CORRECTIONS.—Nothing in this Act
4 prohibits the parties to the conveyances under this Act
5 from agreeing to the correction of technical errors or omis-
6 sions in the Red Rock Map.

7 (d) WITHDRAWAL OF AFFECTED LANDS.—To the ex-
8 tent not already accomplished under existing laws or ad-
9 ministrative actions, the Secretary shall withdraw the Fed-
10 eral lands acquired by the United States under this Act
11 from operation of the public land and mining laws, subject
12 to valid existing rights.

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